

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

MARY LOU CAPLES,

Plaintiff,  
vs.  
CSX TRANSPORTATION, INC.  
Defendant.

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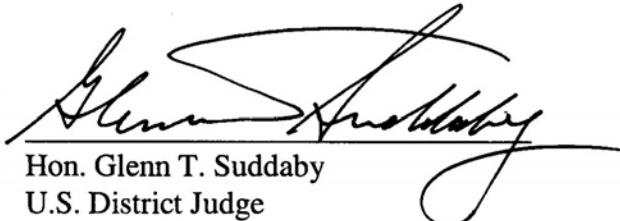
**JUDGMENT DISMISSING ACTION BY REASON OF SETTLEMENT**

The Court has been advised by counsel that this action has been settled, or is in the process of being settled. Therefore, it is not necessary for this action to remain on the calendar of the Court.

**IT IS ORDERED** that this action is **DISMISSED** in its entirety **without prejudice** pursuant to the procedure as set forth in L.R. 68.2(a) of the Local Rules of this court. This judgment is issued without prejudice to the right of the parties to secure reinstatement of the case within thirty (30) days after the date of this judgment by making a showing that the settlement was not, in fact, consummated; and in the event that no request is made for reinstatement within thirty (30) days of the date of this judgment, the dismissal of this case shall thereafter be **with prejudice**; and

**IT IS FURTHER ORDERED** that the Clerk shall serve copies of this Judgment upon the attorneys for the parties appearing in this action.

Dated: October 7, 2008  
Syracuse , New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge